

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JEFFREY WILLIAMS,

Plaintiff,

vs.

NEVADA DEPT. OF CORRECTIONS, *et al.*,

Defendants.

2:13-cv-00941-JAD-VCF

ORDER

Before the court is Plaintiff's Motion for Copies of Medical Records and Video Recordings. (#45). Plaintiff seeks copies of his medical records and a video recording from August 28, 2012 of the subject incident. (#45). The court will treat this as a Motion to Compel Copies of Medical Records and Video Recordings.

In Defendant Charles Ratcliff's Response to Plaintiff's Motion to Compel, Defendant argues that Plaintiff has not sent him a discovery request but rather file this motion to compel Defendant to produce these documents. (#50). Defendant asserts that Plaintiff was given his medical records on October 15, 2014. *Id.* Defendant states that there are no video recordings available at this time and he will check to see if one is available. *Id.*

Federal Rule of Civil Procedure 34(a) permits each party to serve the opposing party with document requests within the scope of Rule 26(b) that are "relevant to any party's claim or defense..." or, for good cause shown, "relevant to the subject matter involved in the action." Fed. R. Civ. P. 26(b). Relevance within the meaning of Rule 26(b)(1) is considerably broader than relevance for trial purposes. *See Oppenheimer Fund v. Sanders*, 437 U.S. 340, 351 (1978) (citation omitted). For discovery purposes, relevance means only that the materials sought are reasonably calculated to lead to the discovery of

1 admissible evidence. *Id.* In responding to Rule 34 requests, “the response must either state that inspection
2 and related activities will be permitted as requested or state an objection to the request, including the
3 reasons.” Fed. R. Civ. P. 34(b)(2)(B). Pursuant to Rule 37(a)(3)(B)(iv), “[a] party seeking discovery may
4 move for an order compelling an answer, designation, production, or inspection” if “a party fails to
5 respond that inspection will be permitted – or fails to permit inspection – as requested under Rule 34.”
6 Fed. R. Civ. P. 37(a)(3)(B)(iv). Here, Plaintiff’s medical records and any video pertaining to the incident
7 are relevant to this action; however, Plaintiff has failed to compel with the rules of discovery. He has not
8 served Defendant with any production requests for these documents.

9 Accordingly,

10 IT IS HEREBY ORDERED that Plaintiff’s Motion to Compel Copies of Medical Records and
11 Video Recordings (#45) is DENIED.

12 DATED this 9th day of January, 2015.

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16 CAM FERENBACH
17 UNITED STATES MAGISTRATE JUDGE
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